

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

ROBIN L. ROSENTHAL,

Plaintiff,

v.

**Civil Action No. 2:15-CV-41
(BAILEY)**

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

On this day, the above-styled matter came before the Court for consideration of the Report and Recommendation of United States Magistrate Judge Robert W. Trumble [Doc. 19], dated February 19, 2016. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the magistrate judge's proposed findings and recommendation permits the District Court to review the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to *de novo* review is waived. See **Webb v. Califano**, 468 F.Supp. 825 (E.D. Cal. 1979). Because the plaintiff is represented by counsel, service was accepted the same date the R&R was entered. To date, no objections have been filed and the time within which to do so has since expired. Accordingly, this Court will review the R&R for clear error.

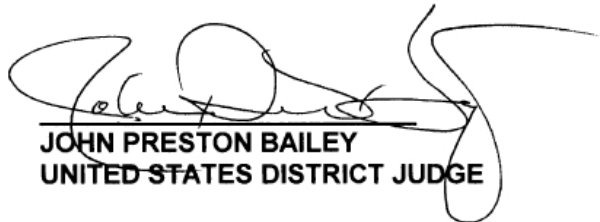
The R&R concludes that the Commissioner's decision was supported by substantial evidence. This Court agrees. Accordingly, upon review of the R&R and the record, it is the opinion of this Court that the Magistrate Judge's Report and Recommendation [**Doc. 19**]

should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated therein. Therefore, the Defendant's Motion for Summary Judgment **[Doc. 14]** is **GRANTED** and the Plaintiff's Motion for Summary Judgment **[Doc. 13]** is **DENIED**. This matter is hereby **DISMISSED** and **ORDERED STRICKEN** from the active docket of this Court. The Clerk is **DIRECTED** to enter judgment in favor of the defendant.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record.

DATED: March 8, 2016.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE